

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

Case No. CR00-81-RSL

v.

JOSE LUIS RODRIGUEZ-MORALES,

Defendant.

**PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATIONS OF
SUPERVISED RELEASE**

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on September 5, 2012. The defendant appeared pursuant to a warrant issued in this case. The United States was represented by Andrew Friedman, and defendant was represented by Michael Filipovic. Also present was U.S. Probation Officer Todd Sanders. The proceedings were digitally recorded.

SENTENCE AND PRIOR ACTION

Defendant was sentenced on September 15, 2000 by the Honorable Robert S. Lasnik for Illegal Reentry. He received 24 months of detention and 3 years of supervised release. Mr. Rodriguez-Morales completed his term of imprisonment on October 15, 2001, at which time he was turned over to the Bureau of Immigration and customs Enforcement and immediately

1 deported to Mexico.

2 On May 3, 2002, a Report on Offender under Supervision was submitted which alleged Mr.
3 Rodriguez-Morales had violated the conditions of his supervised release by illegally reentering
4 the United States on or about January 11, 2002. It was recommended that no action be taken on
5 this violation as the defendant had been charged in the Southern District of California with
6 Illegal Reentry, for which he received a 24-month term of imprisonment. The Court was advised
7 Mr. Rodriguez-Morales's term of supervised release would be tolled during his incarceration and
8 would recommence upon his release from custody.

9 Mr. Rodriguez-Morales completed the 24 month term of imprisonment imposed by the
10 Southern District of California on October 9, 2003, at which time his term of supervised release
11 in this district recommenced and he was deported to Mexico.

12 PRESENTLY ALLEGED VIOLATIONS

13 In a petition dated March 24, 2005, U.S. Probation Officer Todd Sanders alleged that
14 defendant violated the following conditions of supervised release:

15 1. Illegally reentering the United States on or before June 21, 2004, in violation of the
16 standard condition that he not commit another federal, state, or local crime.

17 FINDINGS FOLLOWING EVIDENTIARY HEARING

18 Defendant admitted the above violation, waived any hearing as to whether it occurred, and
19 was informed the matter would be set for a disposition hearing September 18, 2012 at 8:30 a.m.
20 before District Judge Robert S. Lasnik.

21 RECOMMENDED FINDINGS AND CONCLUSIONS

22 Based upon the foregoing, I recommend the court find that defendant has violated the

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1 conditions of his supervised release as alleged above, and conduct a disposition hearing.

2 DATED this 5th day of September, 2012.

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5 BRIAN A. TSUCHIDA
6 United States Magistrate Judge
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